

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1332

Introduced by Assembly Member Evans

February 23, 2007

An act to amend Section 7660.5 of the Family Code, to amend Section 102635 of the Health and Safety Code, and to add Section 16120.05 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as amended, Evans. Adoption.

Existing law, the Uniform Parentage Act, among other provisions, provides for the termination of parental rights in adoption proceedings. Under existing law, if a mother relinquishes for or consents to, or proposes to relinquish for or consent to, the adoption of a child who has a presumed father, the father is required to be given notice of the adoption proceeding and to have specified rights, unless the father's relationship to the child has been previously terminated or determined by a court not to exist, or the father has voluntarily relinquished for or consented to the adoption of the child. Existing law authorizes a presumed father to waive the right to notice of the adoption by executing a designated form before a notary public or other authorized person.

This bill would also authorize a presumed father to execute the form waiving his right to notice of the adoption before *one witness and acknowledged before* a representative of a licensed California public or private adoption agency.

Existing law requires the establishment by the State Registrar of a new birth certificate upon receipt of a report of adoption for a child born in California, or a readoption order, as specified.

This bill would require the State Registrar to establish procedures for the issuance of an expedited amended birth certificate within 30 days following an adoption, and would authorize a fee to be charged for the issuance of that certificate.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs. Existing law requires a child to be 18 years of age or younger in order to be eligible for Adoption Assistance Program benefits, except as specified.

This bill would permit a child to be eligible for aid under the program after 18 years of age if the child is in a specified educational or training program or is pursuing a high school equivalency certificate, if the child is otherwise eligible for program benefits, continues to attend the educational or training program or pursue the high school equivalency certificate, and may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before his or her 19th birthday.

Because funds are continuously appropriated to counties for the support and care of children under the Adoption Assistance Program, by increasing payments under the program, the bill would make an appropriation. In addition, by increasing duties of counties with respect to eligibility determinations under the Adoption Assistance Program, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7660.5 of the Family Code is amended
2 to read:

3 7660.5. Notwithstanding any other provision of law, if a
4 presumed father waives the right to notice pursuant to Section
5 7660 in writing by executing a form developed by the department
6 using existing resources before a notary public or other person
7 authorized to perform notarial acts, or before *one witness and*
8 *acknowledged before* a representative of a licensed California
9 public or private adoption agency, no notice, relinquishment for,
10 or consent to adoption of the child shall be required from him for
11 the adoption proceeding to proceed. This shall be a voluntary and
12 informed waiver without undue influence. If the child is an Indian
13 child as defined under the Indian Child Welfare Act (ICWA), any
14 waiver of consent by an Indian presumed father shall be executed
15 in accordance with the requirements for voluntary adoptions set
16 forth in Section 1913 of Title 25 of the United States Code. The
17 waiver shall not affect the rights of any known federally recognized
18 Indian tribe or tribes from which the child or the presumed father
19 may be descended to notification of, or participation in, adoption
20 proceedings as provided by the ICWA. Notice that the waiver has
21 been executed shall be given to any known federally recognized
22 Indian tribe or tribes from which the child or the presumed father
23 may be descended, as required by the ICWA.

24 SEC. 2. Section 102635 of the Health and Safety Code is
25 amended to read:

26 102635. (a) A new birth certificate shall be established by the
27 State Registrar upon receipt of either of the following:

28 (1) A report of adoption from any court of record that has
29 jurisdiction of the child in this state, another state, the District of
30 Columbia, in any territory of the United States, or in any foreign
31 country, for any child born in California and whose certificate of
32 birth is on file in the office of the State Registrar.

33 (2) A readoption order issued pursuant to Section 8919 of the
34 Family Code.

35 (b) The State Registrar shall establish procedures for the
36 issuance of an expedited amended birth certificate within 30 days
37 following the adoption. A fee may be charged for the issuance of
38 the expedited birth certificate pursuant to this subdivision, which

1 shall not exceed the actual cost of providing the certificate on an
2 expedited basis.

3 SEC. 3. Section 16120.05 is added to the Welfare and
4 Institutions Code, to read:

5 16120.05. Notwithstanding subdivision (d) of Section 16120,
6 a child shall be eligible for aid under this chapter after 18 years of
7 age if the child is attending high school or the equivalent level of
8 vocational or technical training on a full-time basis, or who is in
9 the process of pursuing a high school equivalency certificate, prior
10 to his or her 18th birthday, so long as the child is otherwise eligible
11 for aid under this chapter, continues to attend high school or the
12 equivalent level of vocational or technical training on a full-time
13 basis, or continues to pursue a high school equivalency certificate,
14 and the child may reasonably be expected to complete the
15 educational or training program, or to receive a high school
16 equivalency certificate, before his or her 19th birthday.

17 SEC. 4. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.